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| APPLICATION NO.                    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/725,355                         | 12/01/2003  | Sydney Keith Seymour | 030627/268881       | 1296             |
| 826                                | 7590        | 03/27/2009           | EXAMINER            |                  |
| ALSTON & BIRD LLP                  |             |                      | CORDRAY, DENNIS R   |                  |
| BANK OF AMERICA PLAZA              |             |                      |                     |                  |
| 101 SOUTH TRYON STREET, SUITE 4000 |             |                      | ART UNIT            | PAPER NUMBER     |
| CHARLOTTE, NC 28280-4000           |             |                      | 1791                |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* SYDNEY KEITH SEYMOUR, BALAGER ADEME, CALVIN WAYNE  
HENDERSON AND JOHN LARKIN NELSON

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Application No. 10/725,355  
Technology Center 1700

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Mailed: March 27, 2009

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Before DEBORAH L. PERRY *Supervisory Paralegal Specialist, Review Team*  
PERRY, *Supervisory Paralegal Specialist, Review Team.*

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received by the Board of Patent Appeals and Interferences on January 12, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on November 26, 2008. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) consider the Reply Brief filed November 26, 2008, as indicated above; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DP/dw

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